

## **REMARKS**

Applicants would like to thank the Examiner for the careful consideration given to the present application. The present application currently has claims 25-30 pending. Claim 31 has been canceled. The application has been carefully reviewed in light of the Office Action. Applicants respectfully submit that the claims are patentable over the cited references for at least the reasons set forth below. Reconsideration of this application is hereby requested.

### **Objections**

The Examiner has indicated that the status identifier for claims 25-28 should be “(previously presented)”. Applicants have corrected the status identifiers to address the Examiner’s objection. Additionally, Applicants have cancelled claim 31.

### **Claim Rejections – 35 U.S.C. 112**

The Examiner has rejected claim 30 under 35 U.S.C. 112 as being indefinite. The Examiner has stated that it is not understood how a tear line can have ends separated by a space which is not perforated. The Examiner states that the tear line would have to include three tear lines, as in Figure 4.

However, one example of how tear line can have ends separated by a space which is not perforated is where a tear line is a continuous perforated line where the two ends, instead of being joined through continuation of the tear line to meet the starting point of the tear line, would not be joined but would be partially enclosed, whether that enclosure would result in a generally circular, triangular, square, or other shaped section. With respect to Figure 4, instead of viewing the tear line as three tear lines the tear line can be viewed at one tear line.

### **Claim Rejections – 35 U.S.C. 103**

The Examiner has rejected claims 25 and 28-31 under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art in the specification page 1, lines 10-27 and page

2, lines 10-14 in view of Crosslen (U.S. Patent No. 4,265,038) and Teter et al. (U.S. Patent No. 6,112,665). Applicants traverse this rejection.

In order to establish *prima facie* obviousness of a claimed invention, *all the claim limitations* must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). The teaching or suggestion to make the claimed combination and reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). However, Applicants do not believe that all of the claimed elements have been disclosed by the cited references or that claim limitations have been suggested by the references.

The Examiner states that Applicants admitted prior art discloses the idea of placing paint chips in a rack, the idea of using paint chips with a plurality of colors on a single card and the idea of covering a paint chip with a single color. The Examiner further states that applicants prior art discussion does not disclose whether the display rack includes a wall that covers a chip section and the idea of placing perforations in the card to form a paint chip section. The Examiner has combined Applicants prior art statement with the teachings in Crosslen and Teter to make the instant rejection. Applicants do not believe that independent claim 25 is obvious in light of the cited references. Moreover, all of the claims depending from claim 25 also cannot be obvious, for at least the reason that claim 25 is not obvious.

With respect specifically with the Examiner's combination of Crosslen with Applicants prior art discussion, the Examiner states that some of the chip sections would be covered by the walls of the display rack disclosed in Crosslen as indicated by numerals 7 and 30. Numeral 30 designates the back wall of the Crosslen display unit. Applicants have amended claim 25 to state that the first surface of the chip section, i.e., that surface which is directed outwardly, is covered by the wall of the display rack. Therefore, the wall as recited in Applicants amended claim 25 is not the wall disclosed by numeral 30 in the Crosslen reference. Other than a mere assertion by the Examiner that the wall designated by numeral 7 in the Crosslen reference would cover the chip sections of Applicant's color card, there is no evidence from the teaching of Crosslen that any portion of the chip section would be covered by the wall as defined by Applicant. Crosslen in no way contemplates the display of a single-color color card that includes perforations that define a chip section within the color card. Therefore, it does not appear that there is or even would be any suggestion or motivation in Crosslen (or for that matter Teter or any of the prior art

disclosed in the subject application) to provide for a wall that covers any portion of a chip section so that the wall prevents a chip section from being grabbed, and such claimed element is accordingly missing from the Crosslen reference.

The Crosslen reference merely provides a structure for holding color cards, but it does not provide for a structure that is desirable for holding the cards as defined by Applicants' claims. Though the use of a display rack would indeed secure and help the cards, the element of a wall that at least partially covers a chip section is not known and cannot be obvious, at least because Crosslen does not contemplate the use of the display unit to prevent accidental removal of a chip section. Moreover, it is most likely that the Crosslen reference contemplates very short walls (or walls that are as sort as possible while still capable of holding cards) in order to display as much and as many colors of a multiple-color color card as possible. However, because Applicants color card is a single-color color card, it is more important that the wall provide protection against accidental dislodgement of the chip. Again, the Examiner has not provided any evidence to show that the wall would at all cover the chip section, but has only asserted that Crosslen discloses a wall that is capable of covering a chip section.

Applicants also maintain and respectfully ask the Examiner to reconsider the arguments previously presented with respect to combination of the Teter reference.

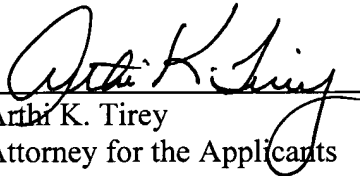
For the foregoing reasons, Applicants do not believe that the cited references disclose all of the claimed element of Applicants' claim 25. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending from the independent claim is also nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Because Applicants do not believe that claim 25 is obvious in light of the cited prior art, claims depending from claim 25 should also not be obvious.

With respect to claims 26 and 27, Applicants traverse this rejection. As Applicants have stated above, Crosslen does not disclose all of the claimed element of Applicants' claim 25 even in light of the other cited references. As such, independent claim 25 is not obvious and claims 26 and 27, depending from claim 25, are also not obvious.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If the Examiner has any questions with respect to the foregoing, he is invited to contact the undersigned. Applicants would like to again thank the Examiner for his review of the subject application.

Respectfully submitted,

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